

Remarks

The Office Action dated April 7, 2005 has been carefully reviewed and the following comments are made in response thereto. In view of the following remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Applicants have canceled claims 75, 109, 110, 117 to 128, 135 to 142, 149 to 155 and amended claims 156 to 159. The fact that claims 75, 109, 110, 117 to 128, 135 to 142, 149 to 155 have been canceled is not to be construed an admission by Applicants that such claims are not patentable. Applicants reserve the right to pursue the subject matter of the canceled claims in a divisional or continuing application. Applicants submit that no new subject matter has been added by these claims and that they are fully supported by the text of the specification.

Rejection under 35 U.S.C. 112 (first paragraph)

Claims 75, 109, 127, 141 and 155 were rejected under 35 U.S.C. 112 (first paragraph) purportedly because the specification is only enabling for claims limited to a method of delivering a drug to a subject employing a nucleic acid encoding the entire amino acid sequence of SEQ ID NO: 51.

Applicants respectfully disagree and submit that the as-filed specification discloses all that is necessary for the ordinary skilled artisan to practice the claimed method of delivering a drug to a subject by administering an amount of a nucleic acid encoding an amino acid sequence comprising six contiguous residues from SEQ ID NO: 51. However, in order to expedite prosecution, Applicants have canceled claims 75, 109, 127, 141 and 155 and all their dependent claims. Thus, having canceled the rejected claims, Applicants have rendered the rejection moot. Applicants, therefore, request withdrawal of this rejection.

Claims 156 to 165 were rejected under 35 U.S.C. 112 (first paragraph) and 35 U.S.C. 132 purportedly because the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors has possession of the claimed invention and that the claims, as written, introduce new matter. Specifically, the Examiner asserts that SEQ ID NO: 51 without the limitation that it bind to the gastro-intestinal receptor HPT1 (SEQ

ID NO: 178) is not supported by the specification and that it reads on numerous uses beyond delivering a drug to a subject.

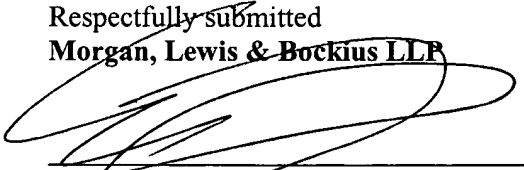
Although Applicants traverse and disagree with the Examiner's assertion, in order to expedite prosecution, Applicants have amended the claims to provide for the feature that SEQ ID NO: 51 specifically binds to the gastro-intestinal receptor HPT1 (SEQ ID NO: 178). This amendment is in accordance with the Examiner's suggestion. Therefore, in view of the claim amendments, Applicants respectfully request that the rejections under 35 U.S.C. 112 (first paragraph) and 35 U.S.C. 132 be reconsidered and withdrawn.

Applicants respectfully request reconsideration of the instant application in view of the above remarks and withdrawal of the rejections. It is respectfully submitted that this application is now in condition for allowance. Should the Examiner believe it to be useful, an interview with the Examiner is respectfully requested in order to discuss the foregoing claims.

EXCEPT for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 7, 2005**
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Respectfully submitted
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